

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-39129-2022 (O&M)

Date of Decision: 9.1.2023

Krishan

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Gaurav Datta, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

KARAMJIT SINGH, J.

CRM-48736-2022

Allowed as prayed for and document Annexure A-5 is taken on record subject to all just exceptions.

Main case

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.79 dated 17.2.2022 registered for the offences punishable under Sections 346 IPC (deleted later on) and Sections 201, 302, 34 IPC at Police Station Siwani, District Bhiwani.

Counsel for the petitioner *inter alia* contends that as per prosecution version, the petitioner helped main accused Sonu and Parkash in disposing of the dead body of Sushila wife of Sonu who was murdered by aforesaid Sonu and Parkash. He further submits that even father of the deceased while appearing in the witness box has nowhere stated that the

petitioner murdered Sushila and copy of the said statement is Annexure A-5. He further contends that the petitioner is already in custody for the last more than 10 months and is having no criminal history.

Present petition is contested by the State counsel who submitted that the present petitioner was also involved in the plan, as per which, Sonu and Parkash committed murder of Sushila wife of Sonu and then took the dead body of Sushila to the village of the petitioner in a car belonging to the petitioner and thereafter, all the three of them took the dead body of Sushila to village Bibipur, District Hisar in the same car and then disposed of the dead body in an abandoned well. However, State counsel has not disputed the fact that the petitioner is in custody for the last more than 10 months and the trial is going on.

I have considered the submissions made by the counsel for the parties.

The entire case is based on circumstantial evidence and it apparently appears that the petitioner was not present when co-accused Sonu and Parkash committed murder of Sushila wife of Sonu and the allegations against the petitioner are that he helped Sonu and Parkash in disposing of the dead body of Sushila by throwing it in a well and for that purpose, even the car of the petitioner was used. Admittedly, the petitioner is in custody for the last more than 10 months and the trial is going on. The exact complicity of the petitioner will be unfolded during the trial. At present, his only involvement appears to be that the petitioner helped main accused Sonu and Parkash in disposing of the dead body of deceased Sushila in his car which attracts offence under Section 201 IPC which entails maximum sentence of 7 years.

It will take time for conclusion of trial. Thus, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

January 9, 2023
Paritosh Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No